

Amendment and Response Under 37 CFR §1.116

Page 11 of 13

Serial No.: 09/677,805

Confirmation No.: 3624

Filed: 2 October 2000

For: SAMPLE PROCESSING APPARATUS, METHODS AND SYSTEMS

---

### Remarks

The Office Action mailed 20 October 2003 has been received and reviewed. Claims 6, 13, 16, and 20 having been amended and claims 1-5, 9-12, 14, and 15 having been cancelled, the pending claims are claims 6-8, 13, and 16-49.

Claims 6, 13, 16, and 20 have been rewritten in independent form, including all of the limitations of the respective base claims and any intervening claims.

Reconsideration and withdrawal of the rejections in view of the following comments are respectfully requested.

### Allowable Subject Matter

Applicants thank the Examiner for notification to the effect that claims 21-49 are allowable, and that claims 6-8, 13, and 16-20 would be allowable if rewritten to include all limitations of the base claim and any intervening claims.

Claims 6, 13, 16, and 20 have been rewritten in independent form. Further, Applicants respectfully assert that claims 7 and 8, dependent directly or ultimately on claim 6, which is now considered allowable, and claims 17-19, dependent directly or ultimately on claim 16, which is now considered allowable, are thereby allowable in dependent form.

### Drawings

Applicants note with thanks the approval of the drawings received by the Examiner on August 6, 2003.

### The 35 U.S.C. §102 Rejection

The Examiner rejected claims 1-5, 9-12, and 14-15 under 35 U.S.C. §102(b) as being anticipated by Sommervold (U.S. Patent No. 4,236,894).

Because claims 1-5, 9-12, and 14-15 have been cancelled, this rejection is rendered moot. Reconsideration and withdrawal of the rejection are respectfully requested. Applicants do,

Amendment and Response Under 37 CFR §1.116

Page 12 of 13

Serial No.: 09/677,805

Confirmation No.: 3624

Filed: 2 October 2000

For: SAMPLE PROCESSING APPARATUS, METHODS AND SYSTEMS

---

however, expressly reserve the right to traverse the rejection of claims 1-5, 9-12, and 14-15 and any assertions made in support of that rejection in any continuation patent application.

**Examiner's Statement of Reasons for the Indication of Allowable Subject Matter**

Applicants thank the Examiner for the indication of allowable subject matter. However, Applicants respectfully point out the following:

The Examiner indicated at page 3, bridging to page 4 of the present Office Action that "the prior art of record does not fairly suggest a device comprising a plurality of stationary fluid chambers further comprising filter material (required by claims 6-8 and 16-20)." Applicants assert that claims 6-8 and 16-19, as amended herein, recite an apparatus comprising a plurality of stationary fluid chambers wherein at least some of the plurality of stationary fluid chambers further comprise filter material (emphasis added). Also, claim 20 does not recite an apparatus comprising a plurality of stationary fluid chambers wherein at least some of the plurality of stationary fluid chambers further comprise filter material.

Additionally, referring to the Examiner's statement at page 4, lines 12-13 of the present Office Action regarding a method of processing sample material including "delivering energy to the process chambers containing sample material to raise the temperature of the sample materials in the process chambers," Applicants point out that claim 35 recites delivering energy to at least some of the plurality of process chambers containing sample material while rotating the processing device to control the temperature of the sample materials (emphasis added).

It is respectfully submitted that the above comments do not affect the allowability of the pending claims.

**Summary**

It is respectfully submitted that the pending claims 6-8, 13, and 16-49 are in condition for allowance and notification to that effect is respectfully requested.

## Amendment and Response Under 37 CFR §1.116

Page 13 of 13

Serial No.: 09/677,805

Confirmation No.: 3624

Filed: 2 October 2000

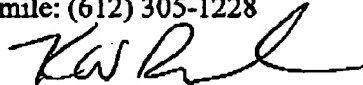
For: SAMPLE PROCESSING APPARATUS, METHODS AND SYSTEMS

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
William BEDINGHAM et al.


By  
Mueting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Phone: (612) 305-1220  
Facsimile: (612) 305-1228

20 JANUARY 2004  
Date

By:   
Kevin W. Raasch  
Reg. No. 35,651  
Direct Dial (612)305-1218

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of January, 2004, at 1:15 p.m. (Central Time).

By:   
Name: Rachel Gaylini-Corban